

APPENDIX 6

ISLE OF WIGHT COUNCIL

ISLE OF WIGHT COUNTY COUNCIL ACT 1971 (AS AMENDED)

NOTICE TO APPLICANT WISHING TO HOLD AN ASSEMBLY IN THE ISLE OF WIGHT

To: WOW Festival Ltd **Ref:** IOWACT/L1U/039266/kw
(Please quote in all correspondence relating to the notice)

Of: The Studio, Spithead Business Centre, Newport Road, Sandown, Isle of Wight PO36 9PH

TAKE NOTICE that under the provisions of the Isle of Wight County Council Act 1971, as amended, ("the Act"), the Isle of Wight Council ("the Council") has considered your application for an assembly on the Isle of Wight at the location known as:

Millbank Farm, Shanklin Road, Shanklin, Isle of Wight. PO38 3AJ,
within the Isle of Wight for the purposes of a Music Festival.

BETWEEN: 16 August 2012 and 20 August 2012

THE NUMBER OF ATTENDEES IS EXPECTED TO BE:

Not exceeding 18,000 persons on the site at any one time.

THE COUNCIL HAS DECIDED TO:

PERMIT the said application, by virtue of Section 5(2) of the Act between 09:00 hours on Thursday 16 August 2012 & 18:00 hours on Monday 20 August 2012, with the following conditions recommended by relevant authorities as defined by the Act and imposed:

1. The event organiser must obtain written approval for the Final Event Safety and Operational Plan from the Licensing Department no later than 21 June 2012.
2. The event organiser must provide separate telephone lines in the Emergency Liaison Team facility for the Police, Isle of Wight Fire and Rescue Service and the Isle of Wight Council.
3. The event organiser must provide internet access in the Emergency Liaison Team facility for the use of the Police, Isle of Wight Fire and Rescue Service and the Isle of Wight Council.
4. The event organiser must provide separate parking facilities for representatives of Police, Isle of Wight Fire and Rescue Service and the Isle of Wight Council.
5. The event organiser must make available to the general public a copy of the Event Safety Plan by 21 June 2012. All commercially sensitive details and confidential information must be removed before being made available.
6. The event organiser must make available to the general public a copy of the site plan detailing the locations of the licensable activities by 21 June 2012.

Water Supply and Control

7. The event organiser must provide a written water supply plan which is to be agreed with the Council's Environmental Health Department by 21 June 2012 and shall include detail

specifying the positioning of supply points so as to ensure that all food concessions that handle high risk foods (a food that is likely to support the growth of pathogenic micro-organisms or the formation of toxins) are situated within 50 meters of an accessible supply of water, which has a constant supply of water that is of a potable quality. Bowsers shall be refilled as necessary so as to ensure a continuous supply is available. Bacteriological testing of the supply shall be undertaken prior to the event by the event organiser

8. The event organiser must meet with Southern Water by 30 June 2012 to discuss and agree the water supply needs of the festival site. Contact: Ros Lowe, District Manager Leakage, 249 Fairlee Road, Newport, Isle of Wight, PO30 2JU. Tel: 01962 716628, Mob: 07831 420083.
9. There are only four designated hydrants on the Isle of Wight where water can be collected by tanker. If water is to be brought to the festival site by tanker, the event organiser or their nominated water supply contractor must obtain a licence and enter into an agreement with Southern Water with regard to collection of the water..
10. The event organiser must permit Southern Water's Water Regulations Officers access to the site during the festival to inspect water supplies to traders, toilets or any other location.
11. The event organiser must ensure that wastewater from all commercial and event catering activities is collected and stored in tanks for proper off-site disposal.
12. The event organiser must ensure that all streams, ditches culverts and running waters which are within the festival site are fenced off a minimum of ten metres from the bank of the watercourse. A fencing plan for these areas must be submitted to the Environment Agency by 5 July 2012.
13. The event organiser must pay the Environment Agency for site monitoring prior, during and after the event to enable them to assess the overall impact of the event on the quality of the water and habitat.

Securing Sanitary Conditions

14. The event organiser must appoint a person who is responsible for the management of waste generated from this event. This persons name and contact details must be submitted to the Environment Agency no later than 5 July 2012.
15. The event organiser must provide the anticipated sewage volumes for the event along with the calculation used to determine the proposed volumes to the Environment Agency no later than 5 July 2012.
16. The event organiser must provide a written Sanitation Plan which is to be agreed with the Council's Environmental Health Department and Southern Water by 5 July 2012. The plan must include detail specifying the positioning of sanitary facilities on the site.
17. The event organiser must ensure the sanitation plan includes: the numbers and types of sanitary facilities at each location, details of cleaning, maintenance and servicing (emptying and replenishing supplies), together with other arrangements in place for ensuring that the facilities remain operational and are kept in a clean and hygienic condition throughout the event. The event organiser must ensure that the plan is implemented..
18. The event organiser must ensure that separate sanitary facilities are provided specifically and exclusively for the use of food handlers at all food concession areas. The scale of provision of these facilities shall be included in the sanitation plan required above and shall comply with the minimum requirements set out in HSG195.

19. The event organiser must ensure that the sanitation facilities for food handlers are kept supplied with hand wash facilities including running water to enable hygienic means of washing and drying hands. These facilities must be provided in locations conveniently accessible to food handlers, and kept secure against use by other persons
20. The event organiser must ensure that all toilets on the site are provided with toilet paper at all times.
21. The event organiser must use all reasonable endeavours to ensure all toilet and urinal areas are maintained in a safe, clean and hygienic condition.
22. The event organiser shall ensure that a log is kept of when the toilets are emptied, or cleaned and of any significant occurrence in relation to sanitation which needed to be dealt with throughout the event. This information shall be submitted to the Environment Agency by the event organiser no later than 7 September 2012.
23. The event organiser must supply copies of all waste transfer notes to the Environment Agency no later than 7 September 2012.
24. The event organiser shall ensure that Environment Agency warranted officers have access to the event site at any reasonable time to inspect facilities for the purpose of pollution control. The Environment Agency shall provide to the event organiser names of those officers who may require access prior to the event.
25. The event organiser must ensure the local Wastewater Treatment Works ("WTW") obtain an exemption for waste collected at chemical toilets for offsite disposal.
26. The event organisers must enter into an agreement with Southern Water in regard to the disposal of toilet waste from the event site. The event organisers must inform Southern Water of the waste contractor to be used for the event and waste licence number of that contractor. Method Statements, Risk Assessments and a copy of the Waste Carrier Certificate must be provided by the waste contractor to Janette Gregson, Technical Support Assistant IW, Fairlee WTW, 249 Fairlee Road, Newport, Isle of Wight PO30 2JU by 30 May 2012.
27. The event organisers must ensure that the waste from the event toilets is removed from site by road tanker and transported to Fairlee WTW where it must be pre-screened to remove any solids, including wet wipes and baby wipes. The solids should be compacted to remove as much liquid as possible and the compacted waste taken to an environmentally permitted landfill site for disposal. The liquid can then be pumped into the transfer pumping station and Southern Water will pump it to Sandown WTW for treatment. The connection to the pumping station at Fairlee is via a bauer connection.
28. The event organisers must ensure that the nominated waste contractor must provide all the equipment necessary to carry out the operation including screening machine, covered skips to contain the solid waste prior to it being taken to landfill, all necessary pumps, pipes, connections and wash down equipment. The nominated contractor must also provide any necessary standby equipment that might be required during the event period.
29. The event organisers must ensure that the nominated waste contractor provides a sufficient number of sandbags to prevent any spills from his equipment, during the screening process to prevent contamination of the surrounding area.
30. The event organiser must ensure that all spills mentioned in condition 29 are cleaned up before the contractor leaves site.

31. The event organisers must ensure that the nominated waste contractor applies to David Watkins, Southern Water, Trade Effluent Inspector, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW to obtain a Temporary Discharge Licence by 30 May 2012. (Tel: 01962 716091)
32. The event organisers must ensure that the nominated waste contractor complies with all Southern Water's Health & Safety and Security requirements while on Southern Water's site (the details will be set out in Southern Water's document H&S460).

Public Safety

33. The event organiser must ensure that an environmental report is prepared that deals with oil tanks and chemical storage. The report must be supplied to the Council's Licensing Department for approval by 21 June 2012.
34. The event organiser must ensure that all oil tanks are situated safely where they are easy to use.
35. The event organiser must ensure that all temporary oil storage tanks and mobile bowers greater than 200 litres, and otherwise not exempt, comply with the Control of Pollution (Oil Storage) (England) Regulations 2001 and any subsequent amendments.
36. The event organiser must site and operate all OSR exempt tanks, other oil storage tanks and generators with day tanks following good practice guidance in PPG2.
37. The event organiser must ensure all chemicals and cleaning agents are stored securely, away from surface water drains and watercourses.
38. The event organiser must ensure that an environmental report is prepared that deals with oil tanks and chemical storage. The report must be supplied to the Councils Licensing Department for approval no later than 19 July 2012
39. The event organiser must ensure that agreement has been reached in writing, between Southern Water and the event organiser by 31 May 2012, concerning access to waste water treatment centres for the purpose of disposing waste during the event. These arrangements must be implemented and followed throughout the event.
40. The event organiser shall submit a copy of this agreement signed by both parties to the Council's Licensing Department no later than 19 June 2012.
41. The event organiser must ensure that all temporary demountable structures to be erected must satisfy the guidance contained in the document Temporary Demountable Structures Guidance on procurement, design and use Third edition April 2007 published by The Institution of Structural Engineers
42. The event organiser must ensure by 19 July 2012 before the erection of any temporary structures commences design documentation is submitted to the Councils Building Control Manager. This will enable the basis of the design to be clearly understood and the design criteria to be verified, and should include structural drawings, calculations, certificates, statements of loading and specifications including the maximum wind speed that the temporary structure is designed to withstand.
43. The event organiser must provide to the Councils Building Control Manager by 19 July 2012 evidence of competence by way of qualification and experience in relation to the designer of

the structure. Evidence of public liability and professional indemnity insurance must also be provided.

44. The event organiser must provide evidence to the Council's Building Control Department by 26 July 2012 that an independent check has been carried out of the design of any special or non-standard system by a chartered engineer having appropriate skill and experience.
45. The event organiser must supply the Council's Building Control Department by 19 July 2012 a simple summary sheet to the calculations clearly identifying important aspects of the design, such as the ballast and bracing requirements and maximum wind speed must be provided by the engineer.
46. The event organiser prior to the event must provide the Council's Building Control Department evidence that an inspection of the temporary structure has been carried out by a competent person should be provided. Evidence of the competence of the person nominated to carry out the inspection.
47. The event organiser must supply the Council's Building Control Department a certificate or written record prepared by the event organiser to confirm that the independent erection checks have been carried out and that a temporary structure has been erected in accordance with the design drawings and documentation.
48. The event organiser must provide the Council's Building Control Department by 7 September 2012 a document detailing the wind speed monitoring carried out during the event including any action taken to respond when wind speeds approached or surpassed design limits.
49. The Contingency Plans must detail the planned measures to be taken by the event organiser to prevent, mitigate or control the effects of short or sustained periods of adverse weather including wind, cold, rain, and heat.
50. The Contingency Plans section must detail arrangements for the provision of emergency welfare facilities for attendees by the event organiser, including the provision of temporary shelter and appropriate supplies should this become necessary.
51. The Contingency Plans must describe the potable supply of water at the event site and the measures which will be taken to address any failure of that water supply.
52. The Contingency Plans must describe the arrangements for evacuating the site and/or any part thereof in an emergency. These shall include:
 - a. How attendees may be contained within areas of the event site.
 - b. How attendees may be evacuated from an area to safer areas, within the event site.
 - c. Arrangements for evacuating the entire event site, with consideration given to the effects of this on the local area, residents and businesses.
53. The Contingency Plans must include details of any other contingency arrangements, should risk assessment determine a need for such planning.
54. The event organiser must ensure that an Emergency Procedures document is submitted to the Council's Emergency Management Department by 21 June 2012 and thereafter re-submitted following any amendments.
55. The event organiser must maintain access for members of the public along the Sunshine trail at all times during the event. The general public must be given priority at all times.

56. The event organiser must not obstruct the Sunshine Trail with equipment, vehicles, people or any other item connected to the event.
57. The event organiser must ensure that the Traffic Management Plan for this event is implemented and followed throughout the event.
58. The event organiser must comply where applicable with the relevant Chapters and sections of the "Event Safety Guide" (HSG 195) – A Guide to Health, Safety and Welfare at Music and Similar Events and the Regulatory Reform (Fire Safety) Order 2005 HM Government Fire Safety Risk Assessment Open Air Events and Venues.
59. An operational attendance by Emergency Liaison Officers and by a fire appliance or appliances with crews will be required by the Isle of Wight Fire and Rescue Service. The event organiser must ensure that the necessary arrangements to facilitate such attendance are in place
60. The event organisers must supply a suitable porta cabin with electrical power and appropriate hard standing for a fire appliance to be provided to form an on site fire station and welfare facility for fire crews. This must be made available for use from 13 August 2012.
61. The event organiser must provide full details by 21 June 2012 of the festivals contracted on site fire cover provider including method statements and associated risk assessments.
62. The event organiser must ensure that suitable emergency vehicle access to all relevant structures within the festival site is maintained at all times.
63. The event organiser must ensure that all grassed areas are cut short and that all cut or loose grass is removed from the site. This must be done to the satisfaction of the Isle of Wight Fire and Rescue Service by 9 August 2012.
64. The event organiser must ensure that the medical provision to be provided in accordance with the HSE *The Event Safety Guide*, unless agreed differently in writing with the Isle of Wight NHS Trust. The level of cover may be above the recommended levels due to the nature of the site. This will be determined during the planning stage.
65. The event organiser must discuss and agree in writing the level of medical cover with the local NHS Trust by 1 June 2012.
66. The event organiser must ensure that a medical provider has been contracted to the event by 17 June 2012.
67. The event organiser must ensure that all catering operations, both for site staff and for the public, comply fully with the relevant requirements of EC Regulation 178/2002 (laying down general principles and requirements of food law and laying down procedures in matters of food safety) and EC Regulation 852/2004 on (The Hygiene of Foodstuffs).
68. The event organiser must ensure that all catering operations are available for inspection at all times suitable to the Council's Environmental Health Department. In addition, the event organiser must ensure that immediately at the request of the Council's Environmental Health Department appropriate action is taken to prevent any risk to public health or safety from a food operation or trader not complying with Food Safety or Health and Safety at Work legislation. Appropriate action could include the closure of the operations, or, where necessary, removal from the site.

69. The event organiser must ensure that persons working in the catering operations who handle open high risk foods are provided with wrist bands that are constructed from a non porous material and therefore can be effectively cleaned and where necessary disinfected. If this is not possible then control measures need to be in place that will reduce the risk of the wrist band being a source of contamination, to an acceptable level. In order to assess these control measures the event organiser will permit and assist the facilitation of the Councils Environmental Health Department to undertaken sampling, the results of this survey will feed into control measures required at subsequent events.
70. The event organiser must submit to the Council's Environmental Health Department by 21 June 2012 the following information on all the catering operations:
- a) name and address of the food business,
 - b) the food business operator,
 - c) the local authority with whom the food business is registered,
 - d) the number of units,
 - e) an indication of the type of food produced,
 - f) the location of each unit at the festival site,
 - g) contact names and mobile telephone numbers for food business operators during the event.
71. The event organiser must ensure that suitable and sufficient facilities for the storage and disposal of all solid and liquid waste shall be where possible readily accessible and not more than 30 meters from a food concession. These must be emptied from site at least once per day throughout the event.
72. The event organisers must submit to the Licensing Department by 21 June 2012, full risk assessments for this event.
73. The event organiser must ensure that no flammable liquids, paraffin, methylated spirits, candles, chinese lanterns, pyrotechnics, or any type of open fire/camp fire is permitted on the event site (unless being used as part of an authorised concession or entertainment).
74. The event organiser must provide the Council's Environmental Health Department with a documented **on site traffic management plan** by 21 June 2012. The plan must include the control measures and arrangements that are to be undertaken to prevent the risk of collision of vehicles with pedestrians and for the ensuring safe transportation procedures when crossing power lines. The details of this plan must be implemented throughout the event.
75. The event organiser must ensure that any area of ground or covering identified as becoming a tripping or slipping hazard on a pedestrian route is rectified as soon as is practicable following notification.
76. The event organiser is to ensure that all risk assessments including emergency evacuation procedures are supplied to the Council's Environmental Health Department by 21 June 2012.
77. Prior to the opening of the event the event organiser must meet with a Health and Safety Officer from the Council's Environmental Health Department to confirm compliance with health and safety legislation and specific health and safety conditions of this Notice or the Premises Licence.
78. The event organiser must have measures in place for the rescue of riggers which do not rely on the emergency services. All risk assessments, working procedures, training records

and other monitoring records must be available to the Council's Environmental Health Department for inspection at all times.

79. The event organiser must ensure that there are satisfactory provisions made for the frequent collection and removal of all waste and litter from the site throughout the duration of the event. Any waste carrier shall have all necessary permissions from the Environment Agency for the undertaking of such work.

Prevention of Actionable Nuisance

80. If the event organiser intends to operate recycling centres as mini transfer stations the Environment Agency must be notified in writing, with a copy of any such notification being provided to the Councils Licensing Department no later than 21 June 2012.
81. Where appropriate, the event organiser must ensure that waste exemptions are registered with the Environment Agency.
82. The event organiser must ensure that all companies transporting the waste from the site are registered waste carriers and they must make duty of care paperwork available for inspection.
83. The event organiser must appoint a person to be responsible for the overall control of all noise generated from within the boundary of the licensed premises. This person, and anyone appointed to deputise for him in his absence, shall have no other duties, and shall have the authority to deal with all noise issues. This person is to be contactable by officers of the Environmental Health Department and available to deal with any matters arising at all times throughout the event. The contact name(s) and means of contact shall be provided to the Councils Environmental Health Department at by 28 June 2012
84. The event organiser must submit by 21 June 2012 documented procedures and predicted calculations, to show how the noise levels from within the licensed area will be controlled so as to result in compliance with the maximum permitted noise levels shown below.
85. For the purposes of compliance with conditions 86 to 90 of this notice, noise sensitive locations for monitoring purposes shall be agreed in writing between the Council's Environmental Health Department and the licence holder within 7 days of the date of this counter notice.
86. The even organiser must ensure that on the Thursday of the event the noise emitted from within the licensed area shall not exceed 45dB(A) Leq 15min at any time when measured at any noise sensitive locations. Noise within the 63Hz and 125Hz octaves shall not exceed 55dB.
87. The even organiser must ensure that on the Friday of the event between 10.00hrs and 23.45hrs the noise emitted from within the event site shall not exceed 65dB(A) Leq 15min when measured at any noise sensitive locations. Noise within the 63Hz and 125Hz octaves shall not exceed 75dB. At any other time on the Friday of the event the noise emitted from within the licensed area shall not exceed 45dB(A) Leq 15min when measured at any noise sensitive locations. Noise within the 63Hz and 125Hz octaves shall not exceed 55dB.
88. The even organiser must ensure that on the Saturday of the event between 10.00hrs and 23.45hrs the noise emitted from within the event site shall not exceed 65dB(A) Leq 15min when measured at any noise sensitive locations. Noise within the 63Hz and 125Hz octaves shall not exceed 75dB. At any other time on the Saturday of the event the noise emitted from within the licensed area shall not exceed 45dB(A) Leq 15min when measured at any noise sensitive locations. Noise within the 63Hz and 125Hz octaves shall not exceed 55dB.

89. The event organiser must ensure that on the Sunday of event site area shall not exceed 65dB(A) Leq 15min when measured at any noise sensitive locations. Noise within the 63Hz and 125Hz octaves shall not exceed 75dB. At any other time on the Sunday of the event the noise emitted from within the licensed area shall not exceed 45dB(A) Leq 15min when measured at any noise sensitive locations. Noise within the 63Hz and 125Hz octaves shall not exceed 55dB.
90. The event organiser must ensure that on the Monday of the event the noise emitted from within the event site shall not exceed 45dB(A) Leq 15min at any time when measured at any noise sensitive locations. Noise within the 63Hz and 125Hz octaves shall not exceed 55dB.
91. The event organiser must ensure that the site is fully surrounded by a suitable barrier to prevent unauthorised access. A detailed fencing plan must be submitted to the IOW Council Licensing Department with details of the confirmed contractor by 7 June 2012.
92. The event organiser must submit a number control and reporting policy and agreed with the police/local authority by 2 August 2012.

Public Order

93. The event organiser must submit a Crime Prevention Strategy and agreed between the organisers and police by 2 August 2012.
94. The event organiser must submit a Sale of Alcohol Policy is agreed between the organisers and police by 21 June 2012.

Extra Expenses - Section 5 (3) of the Act

95. The event organiser must pay costs of £430.20 to the Council's Building Control Department for the work they are required to undertake in respect to temporary structures on the event site.
96. The cost of attendance for the Isle of Wight Fire & Rescue Service has been calculated based on the information contained within the Operating Schedule and Event Safety Plan (festival opening and closing times and location of ELT) and overview at approximately £14,574.50 This sum is payable by the event organiser. (The provision of catering facilities for the Isle of Wight Fire & Rescue Service personnel has not been included and must be agreed prior to the event).
97. The event organiser must pay to the Council's Environmental Health Department the sum of £5,809.04 representing all additional costs in respect of Health & Safety inspections, Food Hygiene and Food Standards inspections, and environmental noise control prior to and throughout the duration of the event.
98. The event organiser must pay costs of £5,847.38 to Council's Highways Department for the costs incurred for the on-site supervision of the Traffic Management Plan throughout the event.
99. The event organiser must pay costs of £115,154.49 to the Hampshire & Isle of Wight Police for the cost of policing response for ticket sales of up to 10,000.
100. All costs detailed in conditions 95 to 99 of this notice must be paid in full to the relevant authority by the event organisers by 31 May 2012.

101. If the numbers of ticket sales exceed 10,000 a further £6,011.20 must be paid to Hampshire and Isle of Wight Police by 12 July 2012 or as soon as the total number is known, however all payments must be made prior to the event.

WARNING

If you fail to comply with any of the requirements of this notice you may be prosecuted for an offence under Section 5(9) of the Isle of Wight Act 1971 (as amended). On summary conviction you will be liable to a fine not exceeding level 5 on the standard scale. You may also be prosecuted under the Licensing Act 2003 if licensable activities take place without the authorisation of a Premises Licence or in breach of any condition therein. The Council reserves the right to execute any necessary works themselves and recover from you any expenditure incurred, to secure the provision of requirements under any conditions determined.

RIGHT OF APPEAL

You have the right of appeal against this notice to the NEWPORT (IOW) CROWN COURT, The Law Courts, 1 Quay Street, Newport, Isle of Wight, PO30 5YT within a period of FOURTEEN (14) DAYS OF THE DATE OF THE NOTICE beginning with the date of service of this notice.

Your attention is drawn to the notes accompanying this notice

Dated: 18 May 2012

Signed:

Time:

All communications in connection with this notice to be addressed to the:

**Principal Licensing Officer
Jubilee Stores, The Quay, Newport, Isle of Wight, PO30 2EH
Telephone 01983-823000**

Isle of Wight Act 1971 (as amended) Notes

- (1) The Isle of Wight Act 1971 was last amended on 22nd February 1990
- (2) On appeal the court may by order confirm, vary, set aside any such term, condition or requirement or may impose any term, condition, or requirement which the Council would have been entitled to impose by virtue of Section 5 of the Act, and may quash any such notice under Subsection (5) [unsuitable site]; (5A) [exceeds police/fire authority resources and the Council shall give effect to such an order accordingly and such order shall be final.
- (3) No assemblies may take part in the Isle of Wight in the open air for more than 5,000 people without the permission of the Isle of Wight Council
- (4) The Council may, by notice no later than 28 days after receiving an application either refuse an application, accept it or accept with conditions.
- (5) Conditions imposed may only relate to the provision of a water supply; securing sanitary conditions, public order and public safety and for the prevention of actionable nuisance
- (6) Where conditions are imposed, the Council may require works to be carried out by the Council at the applicant's expense
- (7) The Council may charge for any extra expense which may be incurred by any authority by reason of the assembly as the Council may reasonably require S5(3) costs it requires
- (8) If the number of attendees exceeds the number stated in the applicant's notice, the person giving the information shall pay any additional amount in respect of the extra expense incurred by any authority by reason of the assembly as the Council may reasonably require S5(6)
- (9) The Council may serve an Information Notice requiring certain information to be provided.
- (10) If an applicant is aggrieved by any condition, decision to refuse an application or the imposition of any charge, s/he may appeal to the Crown Court S5(8)
- (11) Any person concerned in the management of an assembly to which the Act applies or the occupier of land permitting that land to be used for the assembly who contravenes any term, condition or requirement imposed under this section (S5(9)), or who knew, or had reasonable cause to suspect, that such a term, condition or requirement was being contravened by some other person shall be guilty of an offence:
Provided that in proceedings for an offence under this subsection it shall be a defence for the accused to prove that he has used all due diligence to ensure compliance with the term, condition or requirement concerned; and
A person shall not be guilty of an offence in respect of the contravention of a term, or condition with which the Council have complied under subsection (8A) of this section
- (12) On conviction, the convicting court may adjudge a person committing an offence to pay to the Council such amount in respect of the extra expense incurred by the authorities by reason of the holding of the assembly or breach of the term or condition as the court may determine.
- (13) An assembly to which this section applies is an assembly in the county in the open air at which there are reasonable grounds for believing that there are more than 5,000 people present at any time not being an assembly held –
By and under the supervision of members of an organisation as respects which a certificate of exemption is granted under section 269(6) of the Public Health Act 1936 is in force; or
By the Salvation Army
- (14) Authority means the Council, a local authority, the police authority, the river and water authority, or any other body discharging functions in the County in pursuance of statutory powers S5(12)(a)
- (15) A person who holds an assembly includes any person who –
 - a. On his own behalf or by his agent gives notice to the Council under subsection (1) of this section or information under subsection (4) of this section; or
 - b. Permits land occupied by him to be used as the site of an assembly; or
 - c. Charges admission to the site of the assembly; or
 - d. Is entitled, as a person promoting the assembly, or as the agent, licensee or assignee of a person promoting the assembly, to the television, broadcasting, filming or recording rights of the assembly or of any performance given in the course of it; or
 - e. Is entitled as aforesaid to payment for goods sold or services rendered to persons attending the assembly or for granting of rights to other persons to sell goods or services to persons attending the assembly (S5(12)(b))